

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 108 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

VADILAL JETHALAL PANCHAL

Versus

BABUBHAI BACHUBHAI

Appearance:

MR KV SHELAT for Petitioner

PARTY-IN-PERSON for Respondent No. 1

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 04/03/97

ORAL JUDGEMENT

Rule. Service of rule waived by the respondent no.4, who is present in the Court, for himself and on behalf of other respondents, who are his sons.

2. In this revision application petitioner seeks to challenge the impugned order dated 8/10/1996 passed by the learned Judge of the Ahmedabad Small Causes Court,

below Exh. 34 in H.R.P. Suit No. 5/1994. The respondent no. 4, a party in person, is present for himself as well as other respondents, who are his sons.

3. After some amount of discussions it has been submitted on behalf of the petitioner that the plan with regard to the property described in para. 6(2) of the application exh. 34 will be produced by the petitioner before the trial Court within a period of 10 days from the receipt of writ of this order by the trial Court. The respondent no. 4 frankly submits that since plan is agreed to be produced, there would not be any need of appointing Commissioner for the present.

In that view of the matter the impugned order for appointment of Commissioner is set aside on condition that the petitioner produces the plan as aforesaid before the trial Court within 10 days from the receipt of writ of this order by the trial Court.

Rule made absolute only in the aforesaid terms with liberty to both the parties to have direct service of the writ if thought fit. This will be over and above the office sending the writ of this order to the trial Court as expeditiously as possible. No order as to cost.

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